

HOUSE No. 1605

By Mr. Larkin of Pittsfield, petition of Peter J. Larkin and Joyce A. Spiliotis for legislation to further regulate lump sum payments under the workers' compensation law. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT FURTHER REGULATING LUMP SUM AGREEMENTS UNDER THE WORKER'S COMPENSATION LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Section 48 of Chapter 152 of the General Laws, as appearing in
2 the 1992 Official Edition, is hereby amended by striking out sub-
3 section (3) and inserting in place thereof the following subsec-
4 tion:—
5 (3) No lump sum agreement may be entered into or approved
6 under this section unless:
7 (a)(i) the employee has returned to continuous employment for
8 a period of not less than six months at earnings in amount of not
9 less than seventy-five percent of the employee's earnings during
10 the twelve month period prior to the injury;
11 (ii) survivor benefits are claimed pursuant to section thirty-one;
12 (iii) there is a determination based on medical evidence by the
13 administrative judge pursuant to section ten A or eleven that the
14 employee is permanently and totally disabled; or
15 (iv) for a period of one year prior to entering into a lump sum
16 agreement, the employee has resided out-of-state and continues to
17 reside out of the commonwealth with intention of maintaining that
18 residence as his domicile and the employee submits sufficient
19 proof of such as shall be required by the judge; and
20 (b) The agreement meets the other requirements set forth in this
21 section.